

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BENJAMIN S. GARCIA,

CV F 02-5878 AWI DLB HC

Petitioner,

ORDER GRANTING IN PART AND
DENYING IN PART PETITIONER'S MOTION
FOR DISCOVERY

v.

[Doc. 50]

JIM HAMLET,

Respondents.

/

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Now pending before the Court is Petitioner's motion for discovery, filed May 26, 2005. By order of February 1, 2006, the Court directed Petitioner to submit further briefing in support of his request for discovery. Petitioner filed his response on February 23, 2006.

In his response, Petitioner indicates that he is seeking discovery relating to his 1988 burglary conviction and his 1990 first degree robbery conviction. Specifically, Petitioner points to the following evidence: (1) Reporter's Transcripts for his 1988 and 1990 convictions and all documentation/waivers that were signed by Petitioner in relation to any plea agreements; (2) reports from probation officers relating to those proceedings; (3) existing police reports; (4) any and all documentation that was made available to the court and attorneys that was presented as evidence for the purposes of analyzing the constitutional validity of the prior convictions; and (5) any documents that challenged the prior convictions. (Response, at 4-5; Court Doc. 74.)

1 The Court finds that a response by Respondent will be helpful to the resolution of
2 Petitioner's request. Accordingly, it is HEREBY ORDERED that Respondent shall file a
3 response to Petitioner's request within twenty (20) days from the date of service of this order.
4

5 IT IS SO ORDERED.

6 **Dated: March 2, 2006**
3b142a

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE